

# Order

Michigan Supreme Court  
Lansing, Michigan

September 24, 2014

Robert P. Young, Jr.,  
Chief Justice

148364

Michael F. Cavanagh

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Bridget M. McCormack

David F. Viviano,

Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 148364

COA: 318128

Clinton CC: 13-009068-FC

JACKIE LAMONT THOMPSON,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the December 3, 2013 order of the Court of Appeals is considered. We DIRECT the Clinton County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall include among the issues briefed: (1) whether the scoring of Offense Variable 7 in this case requires evidence of aggravated physical abuse with reference only to the sentencing offense, and what evidence may support the scoring, MCL 777.37; *People v McGraw*, 484 Mich 120 (2009); and (2) whether the sentencing offense must involve a sexual penetration against a person less than 13 years of age in order to establish a pattern of criminal behavior for assessing 50 points for Offense Variable 13 under MCL 777.43(1)(a).

The application for leave to appeal remains pending.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 24, 2014

Clerk